

REMARKS/ARGUMENTS

Claims 1 and 3-37 are presented in the instant Continuation-in-part application. Claims 20, 22 and 29 are currently amended. Claim 2 was previously cancelled.

In the Specification, the paragraph beginning at page 12, line 22 has been amended to cooperate with the addition of two new paragraphs inserted before the paragraph beginning at page 19, line 16.

The two new paragraphs inserted before the paragraph beginning at page 19, line 16 provide a description of an operation of the invention as a function of phase of flight of the installation aircraft.

Claim Rejections Under 35 USC § 112:

Claims 1 and 3-37 were rejected under 35 USC § 112, first paragraph, in the parent application of which the instant application is a Continuation-in-part for failing to support the limitation whereby the invention generates a warning as a function of a phase of flight of an aircraft having the invention installed thereon warning as a function of said forecast information describing a weather condition and said phase of flight warning as a function of said forecast information describing a weather condition and said phase of flight warning as a function of said forecast information describing a weather condition and said phase of flight.

The Applicant believes that the Specification as originally filed clearly and completely supported the above limitation. However, in the interest of expediting the allowance of the application and grant of patent, the Applicant has elected to amend the Specification. Accordingly, the Applicant believes that the Specification is herein amended in such manner as to provide a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and sets forth the best mode contemplated by the inventor of carrying out his invention, as prescribed by 35 USC §112, first paragraph.

Claim Rejections Under 35 USC § 103:

In the parent application of which the instant application is a Continuation-in-part, Claims 20 and 21 were rejected under 35 USC § 103(a) over US Patent 5,615,118 to Frank in view of US Patent 5,974,360 to Otsuka et al.

The Examiner is thanked for withdrawing the previous rejection under 35 USC §103(a) with respect to claims 20 and 21 in view of the previous amendment. However, because it is not clear to the Applicant whether the previous amendment was entered in whole or in part, the previous amendments of claims 20 and 21 are presented again herein. The Applicant's previous arguments as to the allowability of amended claims 20 and 21 are also presented again herein.

Claim 20 is amended to include the limitation of determining a potential threat to the safety of flight as a function of said coincidence of said intended flight path, said phase of flight, and said weather condition.

The invention as presently recited in claim 20 is patentable over Otsuka et al. and Frank, both individually and in combination.

Frank teaches an onboard aircraft flight optimization system that utilizes an onboard performance management computer, a control display unit, an infrared probe, a temperature probe, a weather radar, an inertial navigation system, and a comparing apparatus for comparing remote and local wind and temperature signals for determining a position where head wind is minimum. See, *e.g.*, Abstract of Frank.

Frank therefore fails to disclose or suggest determining a potential threat to the safety of flight as a function of coincidence of an intended flight path, a phase of flight, and a weather condition, as currently recited in claim 20.

Otsuka et al. teaches in relevant part a weather image prediction device which extracts precipitation information with respect to time and space from a plurality of time-sequential weather radar images and generates a forecast radar image by synthesizing the resulting image. Column 1, lines 22-44.

Otsuka et al. fails to provide the deficiencies of Frank. Otsuka et al. fails at least to disclose or suggest either accessing a phase of flight of the aircraft, or determining a potential threat to the safety of flight as a function of coincidence of the phase of flight, as currently recited in claim 20.

For at least each of the above reasons, claim 20 is believed to be allowable over the Frank and Otsuka et al. references, both individually and in combination.

Claims 21 is allowable at least as depending from allowable claim 20.

Prior Art Made of Record:

Applicant thanks the Examiner for taking notice that the prior art reference US Patent 5,077,558 to Kuntman is assigned to the Assignee of the present invention.

Conclusions:


Claims 1, 3-19 and 22-37 were previously rejected only under 35 USC §112, first paragraph. The Specification is amended herein to overcome the rejection under 35 USC §112, first paragraph.

Claims 20 and 21 are amended herein in such manner as the Examiner has indicated has previously or will now result in withdrawal of the rejection under 35 USC §103(a) as to these claims.

Therefore, the Applicant believes the instant Continuation-in-part application overcomes the outstanding rejections. Furthermore, the Applicant believes that the instant Continuation-in-part application is allowable. The Applicant therefore respectfully requests allowance and issuance of a Notice of Allowance.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

Respectfully submitted,

Attorney:   
Charles J. Rupnick  
Registration No.: 43,068  
Date: April 13, 2004  
Post Office Address: PO Box 46752  
Seattle, WA 98146  
Telephone: (206) 439-7956